

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07

EA-09 FRB-01 INR-07 IO-11 NEA-10 NSAE-00 OPIC-06

SP-02 TRSE-00 CIEP-02 LAB-04 SIL-01 OMB-01 JUSE-00

FTC-01 L-03 OIC-02 PA-02 PRS-01 USIA-15 /104 W

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FM USMISSION OECD PARIS

TO SECSTATE WASH DC 0631

UNCLAS SECTION 01 OF 02 OECD PARIS 04615

PASS: JUSTICE FOR KAUPER, COMMERCE FOR PATENT OFFICE,
FTC FOR LEWIS

E.O.11652: N/A

TAGS: ETRD, OECD

SUBJECT: OECD GROUP OF EXPERTS ON RESTRICTIVE BUSINESS
PRACTICES

REF.: STATE 32762

1. WORKING PARTY 7 OF RBP COMMITTEE MET MORNING OF
FEBRUARY 11 TO DISCUSS U.S. REVISED DRAFT OF REPORT ON
TRADEMARKS AND COMPETITION LAW. U.S. DELEGATE MADE
STATEMENT ALONG LINES OF POSITION PAPER TO EFFECT THAT
DRAFT BEING STUDIED BY PATENT OFFICE AND STATE AND DID
NOT REPEAT NOT REFLECT FINAL USG POSITION.

2. GENERAL COMMENTS FROM DELEGATES CENTERED ON NEED TO
BREAK DOWN CHAPTER 1 INTO MORE DISTINGUISHABLE SUB-
DIVISIONS AND DESIRABILITY OF HAVING MORE ILLUSTRATIVE
EXAMPLES OF EUROPEAN EXPERIENCE WITH PARALLEL IMPORTS,
TRADEMARK LAWS AND HISTORY, AND FRANCHISE AND EXCLUSIVE
SALES CASE HISTORIES. EEC DELEGATE MENTIONED THAT
EMI/CBS TRADEMARK CASE NOW BEFORE THE EUROPEAN COURT IS
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EXPECTED TO PROVIDE IMPORTANT TRADEMARK DECISION. SWEDEN,

AND CANADA, PROMISED TO SUBMIT LATER COMMENTS ON PAPER. U.K. AND EEC WERE ASKED BY CHAIRMAN TO SUBMIT MORE INFORMATION ON PARALLEL IMPORT AND TRADEMARK EXPERIENCES. JAPAN PROMISED TO PROVIDE ADDITIONAL CASE HISTORIES ON PARALLEL IMPORTS. SWEDEN, WEST GERMANY, EEC AND CANADIAN REPRESENTATIVES SUBMITTED WRITTEN COMMENTS, WHICH ARE BEING HAND-CARRIED TO DEPARTMENT.

3. EEC, SWEDEN AND WEST GERMANY SUGGESTED THAT REFERENCES BE INCLUDED ABOUT COMBINED TRADEMARK AND PATENT CASES SINCE IT IS OFTEN DIFFICULT TO SEPARATE THE TWO. CHAIR AGREED THAT CASES INVOLVING MIXED AGREEMENTS SHOULD BE DEALT WITH.

4. CHAIR CONCLUDED THAT CHAPTERS ONE AND TWO WOULD BE REVISED TO REFLECT ADDITIONAL CONTRIBUTIONS AND COMMENTS TO BE SUBMITTED, INCLUDING ADDITIONAL U. S. COMMENTS. CHAPTER THREE ON CONCLUSIONS AND RECOMMENDATIONS IS TO BE DRAFTED. CLEARER DISTINCTION SHOULD ALSO BE MADE BETWEEN TRADEMARKS AND CONTRACTS ON USE OF TRADEMARKS. REVISIONS WOULD BE TAKEN UP AT NEXT WORKING PARTY 7 MEETING IN OCTOBER, AND ADDITIONAL WORK ON PAPER SHOULD BE COMPLETED AFTER SPRING 1977 MEETING.

5. WORKING PARTY 11 OF RBP COMMITTEE ON MULTINATIONAL ENTERPRISES MET FOR TWO DAYS, 12 AND 13 FEBRUARY. THE PARTY REVISED THE LEGAL CHAPTER OF ITS REPORT, DOCUMENT DAF/RBP/WP11/45 (1ST REVISION), AND REQUESTED THE SECRETARIAT TO PREPARE A NEW VERSION. AN INTRODUCTION TO THE REPORT DRAFTED BY THE SECRETARIAT, DOCUMENT DAF/RBP/WP/11/ WAS CONSIDERED GENERALLY. THE SECRETARIAT WAS INSTRUCTED TO PREPARE A NEW INTRODUCTION BASED ON THE COMMENTS RECEIVED AND PARTICULARLY ON A REWRITTEN VERSION PRO-

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POSED BY THE U.K. DELEGATION. THE PARTY FINALLY CONSIDERED IN GENERAL THE CHAPTER ON CONCLUSIONS AND RECOMMENDATIONS PREPARED BY THE CHAIRMAN, DOCUMENT NUMBER DAF/RBP/WP11/37. THE SECRETARIAT WAS AGAIN REQUESTED TO REVISE THIS DOCUMENT IN LIGHT OF THE COMMENTS RECEIVED. DELEGATES WERE ASKED TO SUBMIT ANY FURTHER COMMENTS ON THESE PAPERS IN WRITING NOT LATER THAN APRIL 15TH.

6. SECRETARIAT (GILMER) URGED WORKING PARTY 11 TO MEET AGAIN IN MAY IN AN EFFORT TO PRODUCE A FINAL REPORT BY JUNE, BUT ALL DELEGATES FOUND THIS UNFEASIBLE. IT WAS TENTATIVELY AGREED THAT THE WORKING PARTY WOULD MEET ON 24 AND 25 JUNE, BEFORE THE PLENARY SESSION OF THE RBP COMMITTEE, WHICH WILL TAKE PLACE THE FOLLOWING WEEK. AT THAT MEETING IT IS PLANNED THAT THE LEGAL CHAPTER OF THE REPORT WILL BE FINALIZED, AND THE INTRODUCTION AND CONCLUSIONS REVISED. A FURTHER MEETING WILL BE SCHEDULED IN OCTOBER, WITH THE FINAL REPORT BEING ADMITTED TO THE RBP COMMITTEE IN DECEMBER, 1976.

7. THE DATES FOR THE RBP COMMITTEE MEETING DURING THE UNCLASSIFIED

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WEEK OF 28 JUNE - 2 JULY 1976 ARE IN DOUBT DUE TO THE ESEC SEMINAR ON RBP LAW WHICH WILL ALSO BE HELD THAT WEEK. THE SECRETARIAT WILL ADVISE THE MEMBERS WHEN THE DATES ARE FINALIZED.

8. DOCUMENTS MENTIONED IN TELEGRAM ABOUT UNCTAD PREPARATIONS BEING HAND-CARRIED BY PAUL BOEKER, NOT REPEAT NOT BY BOB VASTINE.
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